Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

In the Matter of	)	
	)	
Advanced Methods to Target and Eliminate Unlawful Robocalls	)	CG Docket No. 17-59
	)	
	)	

REPLY COMMENTS OF
TRANSACTION NETWORK SERVICES, INC.

Transaction Network Services, Inc. ("TNS"), by its attorneys, hereby provides this reply to comments submitted in response to the Sixth Further Notice of Proposed Rulemaking ("FNPRM") issued by the Federal Communications Commission ("FCC" or "Commission") in the above-referenced docket.[1] In its initial comments, TNS discussed the technical issues associated with providing call blocking notification and supported the Commission's decision to allow terminating voice service providers that engage in call blocking to return SIP Code 603 as an alternative to returning SIP Codes 607 or 608 in such instances.[2] TNS urges the Commission to continue to allow the use of SIP Code 603 as an alternative notification methodology indefinitely.

In this Reply, TNS will address the role of call blocking notification in the broader fight against illegal and unwanted robocalls. Much of the call originators' arguments misconstrue call blocking notification or ignore the impact of its broader context entirely. Some call originators

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1 *Advanced Methods to Target and Eliminate Unlawful Robocalls – Petition for Reconsideration and Request for Clarification of USTelecom – The Broadband Association*, CG Docket No. 17-59, Order on Reconsideration, Sixth Further Notice of Proposed Rulemaking, and Waiver Order, FCC 21-126 (rel. Dec. 14, 2021) ("FNPRM").

2 Comments of Transaction Network Services, CG Docket No. 17-59, filed Jan. 31, 2022 (hereinafter, TNS Comments); *see FNPRM* at ¶ 13 (allowing the use of SIP Code 603 as an alternative notification method).

also continue to rely upon outdated data or provide data that combines call blocking and call labeling, leading to claims that do not reflect the entire industry's efforts to ensure subscribers are able to block unwanted or illegal calls. When these perspectives are added to the discussion, it is clear that notification via SIP Code 603 can serve the purpose of call blocking notification (and can better serve that purpose with enhancements that network operators are discussing). Moreover, no legitimate purpose would be served by mandating development of a 607/608 regime when SIP Code 603 can serve the redress purposes just as well and in a manner that is easier for providers to implement and operationalize.

The Commission has long recognized that targeting and eliminating unlawful robocalls requires a multi-pronged effort. The Commission and the industry have worked diligently for many years to put in place measures that will give subscribers greater control over the calls that they receive and to prevent unlawful calls from being completed. As the FCC noted in its Second Call Blocking Report,

> The call blocking and caller ID authentication tools discussed in this Second Call Blocking Report are not the only solutions the Commission is pursuing in its effort to stop unwanted and illegal calls. … [T]he Commission has taken a multi-pronged approach that includes aggressive enforcement, consumer education, and creating an effective regulatory environment that enables and encourages phone companies and others to proactively stop unwanted robocalls from ever reaching customers. Going forward, the Commission will build on this foundation and continue to use every tool at its disposal to combat and prevent illegal robocalls.[3]

Call blocking does not exist in a vacuum. All of these efforts contribute to the identification and elimination of unlawful robocalls and, conversely, increase the likelihood that

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[3] FCC, Consumer and Governmental Affairs Bureau, *Call Blocking Tools Available to Consumers: Second Report on Call Blocking*, DA 21-772, CG Docket 17-59 (June 2021).

legitimate calls are passed through to the subscriber (where tools such as accurate call labeling allow the subscriber to decide how to handle a call).

A key element of the multi-pronged approach is the deployment of the STIR/SHAKEN call authentication framework. Commission rules required the largest voice service providers to implement STIR/SHAKEN in the IP portions of their networks by June 30, 2021. Those providers that were not required to implement STIR/SHAKEN fully in their networks by that date were required to submit robocall mitigation plans (RMPs) to detail the steps that they were taking to detect and prevent unlawful robocalls. As the Commission noted in its 2021 Report to Congress under the TRACED Act, implementation of this call authentication framework "helps Americans identify scams and verify who is calling."[4] This information reduces the effectiveness of illegal spoofing and helps to hold callers accountable for their calls.[5]

Moreover, the Commission has worked to facilitate the proper attestation of calls under the STIR/SHAKEN framework, particularly for calls originating from call centers. Ensuring that call centers, either upon delegation or via their originating service providers, are able to authenticate both the caller and the calling number are critical to the effectiveness of STIR/SHAKEN. TNS uses call authentication information with other information to help identify problematic calls and, just as importantly, to identify legitimate calling in its analytics. Proper attestation is a significant way in which call originators can ensure that their calls are not improperly blocked.

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4 FCC, Report to Congress on Robocalls and Transmission of Misleading or Inaccurate Caller Identification Information,, at 8, Dec. 22, 2021 (hereinafter 2021 Report to Congress).

5 *Id.* at 8-9.

In a proceeding as broad as Docket 17-59 and with its long history, it can be easy to place undue focus on a single portion of the whole picture. The fact is that call blocking notification serves a small purpose in the picture. Notification of call blocking primarily is provided so that a call originator is aware of blocking and can investigate such blocking if necessary.[6]

The importance of this notification is affected, however, by the effectiveness of the industry's anti-robocall efforts as a whole. As these other elements are improved or expanded – including advances in the deployment of STIR/SHAKEN – improper blocking is less likely. Indeed, voice service providers and third-party analytics engines uniformly have reported to the Commission that they see very few instances of few false positives, *i.e.,* calls incorrectly identified as being spam or fraudulent, and then being blocked in error.[7] TNS has found that its carrier partners are conservative in blocking calls, preferring to block only the clearest of scams and allowing uncertain calls to be completed with appropriate labeling instead. As a result, TNS seeks almost no erroneous blocking of calls.

Moreover, the Commission's enforcement efforts, the impact of robocall mitigation plans and the growing trend of holding voice service providers accountable for the customers they choose to serve, all will have an impact of identifying and rooting out unlawful calls. These efforts will make analytics-based programs more accurate and increase the likelihood that only legitimate calls are presented to the subscriber. Consequently, they also reduce the risk that legitimate call originators such as those commenting in this docket will experience blocking and mitigate the necessity for notification as a tool for legitimate callers.

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6 *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Fourth Report and Order, 35 FCC Rcd 15221, 15239 (¶52) (2020) (*Calling Blocking Fourth Report and Order*).

7 *Second Call Blocking Report*, at 12-25 (provider blocking services) and 26-34 (third-party analytics services).

The importance of this notification also is affected by the other information and tools available to the call originator. It is not difficult to determine the voice service provider to which particular telephone numbers are assigned and therefore to identify a starting point for inquiry when a call originator is notified of call blocking.[8] Call originators also can seed their outbound calls with known test numbers from multiple carriers, in order to identify when particular voice service providers are blocking calls. Moreover, terminating providers already provide a single point of contact and readily available information on how to initiate a redress request, and TNS operates a free website, www.reportarobocall.com where call originators can submit redress requests. In addition, the major analytics engines have established www.freecallerregistry.com for call originators to register their numbers with the major analytics engines simultaneously. Call originators also can subscribe to any number of monitoring services which proactively monitor the reputation and treatment of particular numbers. Thus, the suggestion of some commenters that they have "no effective options" other than the blocking notification is incorrect.[9]

Finally, a few call originators continue to cite to outdated information or report data that conflates call blocking and call labeling experiences. The banking associations, for example, rely upon comments filed in September 2020 for the assertion that "many time-sensitive calls have been wrongly blocked."[10] Although the merit of the data was contested at the time, even

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8 PACE suggests that SIP Code 607/608 is needed to give the call originator a "running start in remedying the situation" but does not explain how the allegedly more particularized information will affect the redress process. PACE Comments at 3.

9 Comments of the National Opinion Research Center, at 5. Similarly, VON's suggestion that the detail anticipated from SIP Codes 607/608 are necessary "to make informed decisions" is overstated at best. Comments of the Voice on the Net Coalition, at 2.

10 Comments of the American Bankers Association, *et al.*, at 5 (citing to reply comments of the Credit Union National Association filed Sept. 29, 2020).

accepting such information at face value, the experience preceded the widespread deployment of STIR/SHAKEN and advances in analytics techniques. Given these changes, the data are of little value to the present debate. Indeed, TNS was not able to identify any current data in the FNPRM comments indicating that blocking of legitimate calls is a problem.

Similarly, undifferentiated claims that call originators experience "significant reductions in completed calls" do not shed light on the type of blocking notification that is sufficient.[11] Such statements will include both blocking and labeling, but the Commission (rightly) excluded call labeling from any notification requirement.[12] In addition, call completion rates can be affected by blocking applications that consumers may have downloaded to their phones or opted into with their carriers. These consumer choices also are distinct from the type of blocking that is subject to a notification requirement.

CONCLUSION

For the foregoing reasons, and the reasons TNS provided in its initial comments, the Commission should continue to allow the use of SIP Code 603 as an alternative notification methodology indefinitely. SIP Code 603 provides sufficiently actionable information, and is well supported by other required procedures to facilitate redress processes. Moreover, because call blocking notifications serve a limited purpose, and other efforts are working to protect against the blocking of legitimate calls, mandating the 607/608 alternatives would not be justifiable. Any efforts to improve redress processes should continue to be left to the industry stakeholders to address.

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11 *See* PACE Comments at 4.

12 *Fourth Report and Order*, at 15248 (¶ 80).

Respectfully Submitted,

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